IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

Revision Petition No.1335 of 2007
Date of decision: March 13,2007

Bihari Lal V. Shubh Ishya Devi

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Pradip Bhandari,Advocate, for the petitioner.

Viney Mittal,J.(Oral)

Tenant is the petitioner before this Court. His ejectment has been ordered under section 13-B of the East Punjab Urban Rent Restriction Act, on a petition filed by a Non-resident Indian/ landlady,Shubh Ishya.

Learned Rent Controller has found it as a fact that the landlady had shifted to India from United States in October,2001 and thereafter has not gone back and is desirous of running a dispensary in the building in question for which purpose she has formulated a trust namely, Shubh Ishya Charitable Trust. It has also been found it as a fact that the landlady has started running a dispensary in a portion in the building, which was already in her possession, and required the remaining portion for carrying on the aforesaid activity. Thus, the ingredients of section 13-B of the Act having been satisfied, the ejectment of the tenant has been ordered.

Learned counsel appearing for the tenant-petitioner contends that the landlady does not require the premises in question for her personal requirement but was getting the same vacated for selling the same. However, the Rent Controller has rightly held that if there is any breach of condition of section 13-B of the Act, then the tenant is entitled to the restoration of the possession.

Nothing has been shown that the findings recorded by the Rent Controller suffer from any infirmity or can be termed to be improper. No ground to interfere in the present petition is made out.

Dismissed.

March 13,2007 (Viney Mittal)
sks Judge